

FME005881

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From: (b) (6)
Sent: Friday, September 24, 2010 9:36 AM
To: (b) (6)
Cc: (b) (6)
Subject: Letter on Segments O-1, O-2, O-3
Attachments: AlanBersinSep1710.pdf

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(b) (6) asked me to email the attached letter. Regards.

(b) (6)

3/3/2011



OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

September 17, 2010

The Honorable Alan Bersin
Commissioner
U.S. Customs and Border Protection
Office of the Commissioner
1300 Pennsylvania Avenue, Suite 4.4A
Washington, D.C. 20229

Dear Commissioner Bersin:

Our two staffs have worked very hard to try to satisfy both of our interests related to Mexican Border Security fencing in Segments O-1, O-2, & O-3. They have made considerable progress and I hope you will agree with us that we need to continue to work towards a joint solution. The International Boundary and Water Commissioner (Mexican and U.S. Sections) is mandated by Article IV of the 1970 Boundary Treaty between the United States and Mexico, to ensure that proposed projects within the limits of the Rio Grande and Colorado River floodplains do not cause a significant deflection or obstruction of the normal flow of the floodplain.

Since the spring of 2008, Michael Baker Jr., Inc., on behalf of the U.S. Customs and Border Protection (CBP), has been working with us to try to find a solution to the impacts the fence will have on the river's flow. We have received documentation showing various project layouts and their corresponding hydraulic models, in an effort to support the contention that Border Fence Segments O-1, O-2, and O-3, as currently being proposed, satisfy, for the most part, the deflection and increase in water surface elevation criteria that is required. While the CBP's technical staff have made considerable progress, the IBWC's obstruction and deflection criteria has not been met. With this in mind, on January 21, 2010, under a letter addressed to Mr. David V. Aguilar, former Acting Deputy Commissioner of CBP, we responded that the USIBWC would not be able to support the CBP proposed fence alignment.

Our staff's met again a few more times this year and the USIBWC offered some suggestions for CBP's consideration. Your staff made it clear that no additional modeling would be performed and instead issued a Summary Report, dated August 2010, which included a conclusion that stated the following: "Had the hydraulic analyses modeled the proposed fence as a permeable structure allowing water to pass through it, the impacts to the U.S. side of the floodplain would be significantly reduced from the results obtained by modeling the fence as an impermeable structure." The Summary Report however, does not present any analytical support for this conclusion. If CBP now wishes to pursue additional modeling, the USIBWC is certainly open to more discussions all aimed at finding a solution that meets our joint interests.

Until other analysis can demonstrate that the fence will not deflect flows or increase the water elevation above our criteria, we must again deny our support for the proposed alignment of the fence in segments O-1, O-2, & O-3. Should you have any questions on this matter, please contact me at (b) (6) or my Principal Engineer for Design (b) (6)

(b) (6)

Sincerely,

(b) (6)

Edward Drusina, P.E.
Commissioner

cc:

(b) (6)

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